

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE:	:	Bankruptcy No. 19-22280-CMB
	:	
MARK PANCARI, and	:	
CATHLEEN PANCARI,	:	
Debtor(s).	:	Chapter 13
	:	
MARK PANCARI, and	:	
CATHLEEN PANCARI,	:	Doc No.
Movant(s),	:	
	:	Related to Doc. Nos. 114, 116 & 128
vs.	:	
	:	
CREDITO REAL USA FINANCE	:	
LLC, PRESTIGE AUTO MALL, and	:	
RONDA WINNECOUR, Trustee	:	
Respondents.	:	

**STIPULATION AND AGREEMENT**

It is hereby stipulated by and among Brian C. Nicholas, Esquire, counsel for Respondent Credito Real USA Finance, LLC, and Pete Neuman, Director of Operations for Respondent Prestige Auto Mall, and Joseph F. Nicotero, Esquire, counsel for Movants Mark Pancari and Cathleen Pancari, as follows:

1. On August 17, 2020, at Docket Number 81, this Court issued an Order granting Movants, Mark Pancari and Cathleen Pancari, the ability to finance a vehicle through an amended plan.
2. Movants provided the Court Order to Respondent Prestige Auto Mall (hereinafter "Prestige") and subsequently signed documents at that dealership to purchase a vehicle. Prestige offered to sell the retail installment contract to Credito Real USA Finance, LLC (hereinafter "Credito"). Credito declined to purchase the loan.
3. After taking possession of the vehicle, Movants filed a Report of Financing on September 9, 2020, at Docket Number 85. Movants filed an Amended Plan dated September 17, 2020 incorporating monthly payments for the vehicle.

4. Respondent Prestige later contacted Movants and requested return of the vehicle. Prestige explained that due to a misunderstanding, Respondent Credito had declined to accept the financing.

5. Due to the misunderstanding, Movants have been unable to use the vehicle in question since the original purchase. They have made regular monthly payments to the Trustee since the filing of the Report of Financing. The Trustee is currently holding the vehicle payments on reserve pending the outcome of this Motion for Contempt.

6. Without any party admitting to liability and in an effort to resolve this dispute amicably without the need of further litigation, the parties hereto stipulate and agree that::

a. Respondent Prestige will cause Movants' information to be re-submitted to Credito for approval of the financing of the vehicle, and

b. Credito will finance Movants vehicle under the original terms of the contract as per the Report of Financing filed with the Court September 9, 2020, and

c. Prestige will transfer the title to the vehicle to Movants with a lien in favor of Credito, and

d. Credito and Prestige will each contribute Twenty-Five Hundred Dollars (\$2,500.00) towards the settlement of these claims, to be distributed as follows:

I. Credito and Prestige shall each issue one check each in the amount of \$2,500 payable to Rice and Associates Attorney Trust Account within 30 days of receipt of the entered Consent Order and a fully executed W9. The checks shall be mailed care of Rice & Associates at 15 West Beau Street, Washington, PA 15301, and

e. The Trustee shall immediately distribute all funds held on reserve for the vehicle payments to Credito, as listed in the confirmed Amended Plan dated September 17, 2020, and

f. Counsel for Movants shall amend the Petition and Schedules in the underlying bankruptcy to exempt the \$2,500.00 asset to be received by the Movants as a result of this Stipulation,

and

g. Counsel for Movants will not be required to amend the confirmed Plan dated September 17, 2020, and

h. The Chapter 13 Trustee does not object to the settlement and reserves all rights to object to any exemption in the payment(s) to the Debtors.

i. This agreement shall govern as to all claims between the parties which are the subject matter of this Motion and this Motion should be closed as settled by the parties.

Rice & Associates Law Firm

BY: /s/Joseph F. Nicotero  
Joseph F. Nicotero, Esquire  
Pa. I.D. No. 83406  
3948 Monroeville Blvd., Suite 2  
Monroeville, PA 15146  
[josephnicotero@gmail.com](mailto:josephnicotero@gmail.com)  
412-374-7161

Credito Real USA Finance, LLC

BY: /s/ Brian C. Nicholas  
Brian C. Nicholas, Esquire  
KML Law Group, P.C.  
701 Market Street  
Suite 5000  
Philadelphia, PA 19106  
[bnicholas@kmlawgroup.com](mailto:bnicholas@kmlawgroup.com)  
201-549-2366

Prestige Auto Mall

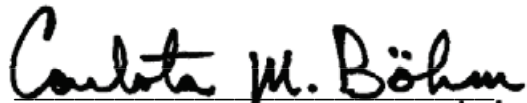
BY: /s/ Pete Neuman  
Pete Neuman  
Director of Operations  
Prestige Auto Mall  
1559 State Road  
Cuyahoga Falls, OH 44223  
[PeteN@PrestigeAutoMall.com](mailto:PeteN@PrestigeAutoMall.com)  
330-604-8090

Office of the Chapter 13 Trustee

BY: /s/ Owen Katz  
Owen Katz, Staff Attorney  
Office of the Chapter 13 Trustee  
US Steel Tower, Suite 3250  
600 Grant Street  
Pittsburgh, PA 15219  
412-471-5566 x3124

APPROVED BY THE COURT THIS 14th DAY OF September, 2021.

FILED  
9/14/21 8:30 am  
CLERK  
U.S. BANKRUPTCY  
COURT - WDPA

  
Carlota M. Böhm dmk

Chief United States Bankruptcy Court Judge